

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

## VOIR DIRE

Good morning, ladies and gentlemen. I am Judge Jordan, and I will be presiding over the trial for which a jury is about to be drawn in the case. The parties are the plaintiff, Jerome Hamilton, and the defendants, Faith Leavy, Pamela Minor, William Queener, Frances Lewis, George Dixon, Jack Stephenson, Deborah Craig, Joanne Smith, Dennis Loebe, Eldora Tillery, Francis Cockroft, and Jerry Borga. Briefly stated, this is a case involving allegations by the plaintiff that, while he was a prisoner in the custody of the Delaware Department of Corrections, the defendants were deliberately indifferent to the danger that he would be physically assaulted by other prisoners and that, because of that deliberate indifference and the assault that actually occurred, the defendants are responsible for violating the plaintiff's right under the Eighth Amendment to the United States Constitution to be free of "cruel and unusual punishment." The

defendants deny that they were deliberately indifferent and violated any of the plaintiff's rights.

The trial may last up to 4 or 5 days. I time the trials before me, so the attorneys will have to complete their trial presentations within these limits. While it appears unlikely at this point, jury deliberations may require you to be present longer than that number of days.

I am going to ask you a series of "yes or no" questions, the purpose of which is to enable the court to determine whether or not any prospective juror should be excused for cause and to enable counsel for the parties to exercise their individual judgment in helping decide the final composition of the jury. If any of you have a "yes" answer to any of my questions, please keep track of that in your own mind. When I have concluded asking all the questions, I will ask all of those who had a "yes" answer to any of my questions to raise their hands. Then I will call you to the bench individually to speak with you about your affirmative response or responses. Before I begin asking you the questions, I need to have you sworn to tell the truth in your responses.

### **SWEAR THE PANEL**

1. As I mentioned, this case is expected to take four or five business days to try. Is there any member of the panel who would be unable to sit as a juror in the case for that period of time?
2. Have you heard anything about or do you know anything about this case?
3. Plaintiff is represented by John Shaw of the law firm Young, Conaway, Stargatt & Taylor. Do you know, or have you ever been represented by Mr. Shaw or by any other attorney working with that law firm?

4. Defendants are represented by Marc Niedzielski, Ralph Durstein, Tom Ellis, Richard Hubbard, and Aaron Goldstein of the Attorney General's Office of the State of Delaware. Do you know, or have you ever been represented by any of these attorneys or by any other attorney working with the Office of the Attorney General of the State of Delaware?

5. Is any member of the panel related to or personally acquainted with any of the parties, either the plaintiff or the defendants?

6. Were you or any of your relatives ever employed by a law enforcement agency, the state or federal government, or the Delaware Department of Corrections?

7. Are you friends with any person who is or was employed by a law enforcement agency, the state or federal government, or the Delaware Department of Corrections?

8. Do you know any of the witnesses who will appear in this trial? They are expected to be: Jerome Hamilton, Francis Lewis, Jack Stephenson, Faith Leavy, Pamela Minor, William Queener, George Dixon, Deborah Craig, Joanne Smith, Dennis Loebe, Eldora Tillery, Francis Cockroft, Jerry Borga, Eugene D'Amico, Stephen Walther, John Polk, Colleen Shotzburger, George Martino, Elizabeth Neal, Marisa Remero-Stokes, Rebecca McBride, Lawrence McGuigan, and Janet Durkee.

9. Do you have any knowledge about or familiarity with the correctional system generally or with the system of inmate classification in particular?

10. Do you have any opinions, feelings, or beliefs that may affect your service as a juror in a lawsuit brought by a prison inmate against employees of the Delaware Department of Corrections?

11. Do you have any feelings or beliefs in favor or against persons who file lawsuits seeking to recover money damages for personal injuries?
12. Would you be unable to render a fair and impartial verdict based solely upon the evidence presented in court and under the law as presented to you?
13. Have you ever been a party in a lawsuit?
14. Have you or any member of your family ever made a claim or had a claim made against you in a lawsuit?
15. Have you heard anything in the news media or otherwise which has caused you to form an opinion about the Delaware Department of Corrections, its policies, or its employees which would prevent you from fairly deciding this case solely on the basis of the evidence presented in this case?
16. Have you or any member of your family or any of your friends ever been placed on probation or incarcerated in any correctional facility? If so, have you had any experience or heard of any experience that would prevent you from fairly deciding this case solely on the basis of the evidence presented in this case?
17. Do you know of any other matter which you believe should be called to the court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?